

**UNITED STATES DISTRICT COURT**  
**FOR THE WESTERN DISTRICT OF NEW YORK**

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LISA BALDWIN,

Plaintiff,

Vs.

**COMPLAINT AND  
JURY DEMAND**

Case No.:

UNITED STATES OF AMERICA,

Defendant.

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The plaintiff, LISA BALDWIN, for their complaint against defendant, UNITED STATES OF AMERICA, allege the following:

**NATURE OF THE ACTION**

1. This action is for money damages for personal injuries arising from the negligent or wrongful acts of Defendant, through its employee John Lahood, who was acting within the scope of his employment of April 30, 2013, when the United States of America vehicle rear-ended the Plaintiff's vehicle. As a result of the collision, plaintiff suffered severe and permanent injuries.

**PARTIES, JURISDICTION AND VENUE**

2. That at all hereinafter mentioned, the Plaintiff, LISA BALDWIN, is and was a resident of the County of Erie, State of New York.

3. The Defendant is the United States of America. That at all times hereinafter mentioned, the vehicle involved in this accident with New York License Plate Number 51342571 was owned by of the United States of America.

4. This Court has jurisdiction pursuant to 28 USC §1346(b).

5. Venue is proper in this district pursuant to 28 USC §1391(e), as the United States of America is a Defendant and a substantial part of the events giving rise to the claim occurred in this district.

6. The plaintiff timely presented a claim to the United States Federal Government within the 60-day time limit pursuant to 28 USC §2679(d)(5)(b).

8. On April 17, 2014 the defendant denied said claim.

9. Plaintiff's claim is timely brought pursuant to 28 USC §2401(b) and 28 USC §2679(d)(5)(b).

**FIRST CLAIM**

10. The plaintiffs repeat, restate, and re-allege each and every allegation set forth above, with the same force effect as if more fully set forth herein.

11. At all times hereinafter mentioned, defendant, United States of America, through its agents, servants, and/or employees, owed a duty to the plaintiff, LISA BALDWIN, to operate the motor vehicle in a safe manner and/or in accordance with the law.

12. At all times hereinafter mentioned, defendant, United States of America, through its agents, servants, and/or employees, breached its duty to the plaintiff, LISA BALDWIN, by failing to properly stop and thus, negligently struck the plaintiff's vehicle from behind.

13. This breach by defendant, United States of America, was the direct and proximate cause injury and damages to the plaintiff, LISA BALDWIN.

14. As a result of the negligence of the defendant, United States of America, and its agents, servants, and/or employees, plaintiff, LISA BALDWIN, suffered bodily injury resulting in pain and suffering, disability, disfigurement, mental anguish, loss of enjoyment of life, medical expenses, loss of earnings, and loss of ability to earn money. These losses are either permanent or continuing and Plaintiff will continue to suffer losses in the future.

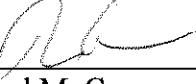
**WHEREFORE**, the plaintiff, LISA BALDWIN, demand judgment for damages against defendant, United States of America, in the amount of Two Hundred and Fifty Thousand Dollars (\$250,000), together with the costs and disbursements of this action and such other and further relief as the Court deems just and proper.

**JURY DEMAND**

Plaintiffs demand a trial by jury, pursuant to Rule 38(d) of the Federal Rules of Civil Procedure, on all issues on which it is so entitled.

Dated: Buffalo, New York  
September 9, 2014

**ROLAND M. CERCONNE, PLLC.**

By:   
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